



## **MINUTES OF THE CITY COUNCIL AND THE COUNCIL SITTING AS THE REDEVELOPMENT AGENCY**

**WEDNESDAY, SEPTEMBER 8<sup>TH</sup>, 2004**

The regular meeting of the City Council, also sitting as the Redevelopment Agency, was called to order by Mayor/Chairman Stettler in the Council Chambers at 68-700 Avenida Lalo Guerrero, Cathedral City, California, on September 8<sup>th</sup>, 2004 at 3:10 p.m.

### **ROLL CALL:**

Present: Council Members/RDA Board Members Mr. England, Mr. Marchand, Mayor Pro Tem/RDA Vice Chairman Mr. Pettis, Mayor/RDA Chairman Stettler. Council Member England moved to excused Council member DeRosa with Mayor Pro Tem/RDA Vice Chair Pettis seconding motion. Motion carried 4-0.

Mayor Stettler moved to adjourned for a short recess to conduct Public Arts Commission interview. Meeting adjourned at 3:15 p.m., and reconvened at 3:25 p.m.

The regular meeting of the City Council began at 6:35 p.m. and was opened by Mayor/RDA Chairman Stettler. Council Member/RDA Board Member Marchand led the Invocation, followed by the Flag Salute led by Mayor Pro Tem/RDA Vice Chair Mr. Pettis.

### **CLOSED SESSION AGENDA:**

1. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9, Subd. (b)  
Number of Potential Cases: 1
2. CONFERENCE WITH LABOR NEGOTIATOR pursuant to Government Code Section 54957.6  
Agency Negotiator: Donald Bradley, City Manager  
Represented Employees: 1) Cathedral City Firefighters Association (CCFFA); 2) Cathedral City Police Officers' Association (CCPOA); and 3) Cathedral City Public Safety Management Association (CCPSMA);

3. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Glenn Haas, Jeff Miller, Brian Hirzel and Cathedral City Police Officers Association vs. Cathedral City; Cathedral City Police Department; Stan Henry, Chief of Police; John Holcomb, Captain; Gregory J. Savelli, Lieutenant; Sandra Hatfield, Dispatch Supervisor, et al.  
Case No.: United States District Court, Central District of California Case No. EDCV 02-965
  
4. CONFERENCE WITH LEGAL COUNSEL REGARDING EXISTING LITIGATION pursuant to Government Code Section 54956.9, Subd. (k):  
Case Name: Scott Sharpe, Mark Fields, Rudy Salinas, Jay Horn, Karl Murashima, Owen Krings, Brian Hirzel, Albert Ruiz, Steve Williams, Paul Reindel, Glenn Haas, Nick Chapman, Gabriel Mendoza, Kelly Nava, Danny Anes, Dane Dickson, Mark Novy, Larry San Filipo, Jeremy Herrick, Ernie Vasquez, Tom Ferguson, Jon Enos, John Fox, Andy Diaz, Albert Ochoa, Dewayne Hodge vs. City of Cathedral City, a municipal corporation; Stan Henry, Chief of Police; Captain John Holcomb, Captain Kevin Conner and Lieutenant Al Reshaw in their individual capacity, and DOES 1 through 10, Inclusive  
Case No.: United States District Court, Central District of California Case No. CV 04 02931 (VBKx)[Class Action] Complaint for Damages and Injunctive Relief Demand for Jury Trial
  
5. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8  
Property Location: 68307 East Palm Canyon Drive – Heilig Meyers Building  
Negotiating Parties: Redevelopment Agency & Nothwest KIA Megastores (Lessee) and Development Management Group, Brittany West and Resort Destinations Group  
Property Owners: Redevelopment Agency  
Under Negotiation: Disposition of Property
  
6. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8  
Property Location: East of Van Fleet Avenue, South of East Palm Canyon Drive; APN #'s 687-207-005 (Sousa) and 687-223-016 (Sanchez)  
Negotiating Parties: Redevelopment Agency and BCN Developments, Inc.  
Property Owners: Martin Sousa, et al; Jorge & Maria Sanchez  
Under Negotiation: Disposition of Property

7. CONFERENCE WITH REAL PROPERTY NEGOTIATOR pursuant to Government Code Section 54956.8.  
Property Location: Whitewater Neighborhood: 680-393-001; 680-404-001-006,008; 680-393-008; 680-393-007; 680-394-004; 680-405-002 (**Moreno Road, Ocotillo Road, Via De Anza and Ortega Road**)  
Negotiating Parties: Redevelopment Agency & Property Owners  
Property Owners: Donald & Byers, Lillian Dempsey; Robert Jacobs; Ernest & Hamby, Patricia Pearson; Peter Zarenejad; Jose Torres; Helen Gallucci; Jesus Razura  
Under Negotiation: Property Acquisition

### **CLOSED SESSION ANNOUNCEMENTS**

Deputy City Attorney Green advised that the Council was not able to finish closed session discussions and therefore after tonight's regular session meeting, the Council will adjourn back into closed session.

### **PUBLIC COMMENTS**

Bill Cohen- Cathedral City – Spoke regarding his usual request for volunteers and sale of t-shirts, but tonight Mr. Cohen thanked the community and all the people who put on the blood drive for Al Reshaw's son last Saturday. Mr. Cohen wanted to personally thank all those who participated including those whose names were not mentioned in the Desert Sun newspaper article including Anita Zacks, Sergeant Ed Colon, and the lady who arranged it all through the theatre Lynn Mallotto, it really made a big difference.

Greg Wetmore- Rancho Mirage. Cathedral City Chamber of Commerce President and Chief Executive Officer. Mr. Wetmore made several chamber event announcements including an invite to those watching at home to the El Grito event at the Civic Center on Sunday between 4:00 p.m. and 9:00 p.m., that the Chamber is proud to be a part of. Mr. Wetmore also thanked Division Chief Mike Hatfield and Fire Chief Steve Sowles from the Cathedral City Fire Department, for their contributions to the great power breakfast last week on disaster preparedness where Mike Hatfield did a great Job. Mr. Wetmore extended an invitation to all Thursday next week to Michael Phipps salon on Perez Road for our regular monthly mixer and also to the folks at home to the candidate forums that the Political Action Committees and that the Chamber of Commerce will be hosting one on September 21<sup>st</sup> at Landau Elementary School at 7:00 p.m., that is at no cost, the chamber power breakfast on October the 6<sup>th</sup> for \$15.00 dollars for Chamber members and \$20.00 for guests and at the Senior Center on October 26<sup>th</sup> at 7:00 p.m., at no cost. Mr. Wetmore, stated that the Chamber is very excited and the business community about the Big Buys Bonanza brand new spirit for the old business expo they had for 10 years, which will take a different twist with the idea of retailers selling their goods at the Bonanza event. Mr. Wetmore introduced Jennifer Mann the Work Experience Coordinator at Cathedral City High School. Ms. Mann stated that she is happy to be here and in working much closer with the Council and the business community.

Ms. Laura Ahmed. Cathedral City- Ms. Ahmed came on behalf of her husband who was not able to attend the meeting and read a statement submitted by her husband for the record. The contents of the letter made several points stating that he watches the council meetings on cable television as a way to stay informed as to what is happening in Cathedral City. The letter further stated that Mr. Ahmed is a great supporter of the Downtown area and that when he came to Cathedral City 17 years ago the Downtown area looked more like a blighted area nested in the middle of luxury but that finally now Cathedral City will take its rightful place in the Coachella Valley and while the focus now is on redevelopment other focuses are being overlooked such as the need for increased safety precautions in the form of additional police protection and in the form of more patrol officers since an unsafe town will not attract business thus defeating the purpose of redevelopment. Further the letter mentioned that Mr. Ahmed owns a small convenience store on East Palm Canyon Drive and Palo Verde since April 2003 and during that time he has been burglarized twice and recently assaulted by someone stealing from his store and that although investigations have taken place no results have come from these attempts and the response time during those incidents was too long. In another incident, Mr. Ahmed's letter related to an incident where he had to call the Police Department to have cars removed from the loading zone on Palo Verde because people parking there in the loading zone hinder the deliveries and that no one from the Cathedral City Police Department showed up and that while these words are in no way a complaint against the officers of the Cathedral City Police Department, he still would like to plead for additional help and that if this situation continues to be allowed to exist then word would spread that Cathedral City is not a good safe place to do business in and no one will invest in the redevelopment efforts. In this time of budget concerns, the letter stated, the safety of citizens and business owners must be a priority.

Wilhem Leydermeyer- Resident of Banning. Mr. Leydermeyer came to this City Council meeting to relate as to how Tribal gaming impacts citizens in this community and neighboring communities. He stated that he is the father of two daughters and a veteran of the United States Air Force and that he has worked at Agua Caliente Casino for three years as a slot technician and as a retiree of GTE he has 30 years of electronic experience and yet he was continuously passed over for promotion by younger and less experience people. He related that this is what happens when workers are not protected by most state and federal labor laws governing working conditions and that when workers speak out against these injustices at the casino, management tells them that if they are unhappy they can seek employment elsewhere. He commented that tribal Chairman Richard Milanovich has been seen recently on television stating that 95% of casino employees are happy with the way that tribe does things but for his experience that is not true and that employees are just too afraid to voice an opinion and expect to be punished for speaking the truth but this was Mr. Milanovich's response on the billboards that highlight the failure of the Tribe to provide affordable family health care to his employees. More recently, according to Mr. Leydermeyer Governor Schwarzenegger has signed an agreement with nine California Gaming Tribes, which includes protections for the environment, local communities, and bank patrons and Casino employees and none of the tribes in our County has entered into such agreement in fact the Agua Caliente recently made changes to employee healthcare benefits that will further reduce access to healthcare for employees and their families. He

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went on to state that the Agua Caliente Casino is bringing in millions and since employees are the backbone of any organization, they deserve to have affordable health care and made a plea for Cathedral City residents to stand with him to support casino workers and their right to organize for fair wages, affordable family health care and the right...real rights on the job.

Robert Marchand- Cathedral City. Mr. Marchand informed the Council and the Community that the Public Arts Commission will be having the Chamber music event again on September 30<sup>th</sup> here in the Council Chamber and reminded the audience that the El Grito festivities this Sunday, September the 12<sup>th</sup>, the Public Arts Commission will have a booth set up in conjunction with the library for youngsters to do some craft activities and there will be some prizes for youngsters who have designed some new painting and drawings for the event.

Chuck Vasquez- Cathedral City Co-Chair of the 35<sup>th</sup> Neighborhood Watch Group. Mr. Vasquez made several updates for the local community reporting that the stripping on Plumley Road is done and that is correctly stripped and that they are hoping that this is going to help with passing on that street with the 3 schools there. Further, Mr. Vasquez stated that they have one more hurdle on the stop sign for Plumley and 35<sup>th</sup> and that is the next upcoming Rancho Mirage City Council meeting they have approved their ordinance for non-mandated stop signs and that they are going to be going forward one more time with them and hopefully will get the stop sign in. He further reported that the safe routes to school program grant on Victoria while is a little behind what they hoped it was they are doing a great job and they are hoping to have that finished within the next couple of weeks and that the actual construction will begin sometime in November since they had to allow time for getting qualified bidders, which made the bid period longer. He thanked the Police Department for all their support and help with all the new neighborhood watch groups, and currently they have six new groups that are either already started or in the process of starting and Officer Jay Horn has been absolutely fabulous with all the groups he has been dealing with as have been Danny Anes, Officer Herrick, Officer Sharpe, they all have done a good job dealing with the Community and helping them and while is exciting to see so many new groups coming together and taking part in this program there is a lot of concern out there about new crimes in the neighborhood one street alone had two robberies incidents that totaled \$60,000 dollars on two homes so fortunately they started now and they are not going to have any other incidents and both the people who had the incidents stated that had they had the information available to them in the meeting they do not think they would have been such target for this kind of crime.

Shilo Heerling- Cathedral City. Also spoke regarding the neighborhood watch program and stated that the Hermosillo Neighborhood watch group has been active for about 5 months now and as of this afternoon they have about 54 member homes out of 150 and that they had police officer Horn at their meeting on September 1 and they presented the crime statistics for August showing zero crimes in their street as opposed to 5 the month before. Mr. Heerling stated that he does not think that the neighborhood watch program has solved all of the problems but that he does think that they are making a little bit of impact on it and they hope to keep crimes down to zero and thanked the police department and fire department for their support.

Seeing that no one else wished to speak, Mayor Stettler closed public comments.

Mayor Stettler made the announcement that Mr. Richard Martinez was interviewed during the City Council study session and thus has been appointed to the Public Arts Commission.

### **AGENDA FINALIZATION**

No changes in the agenda.

### **COUNCIL COMMENTS**

Mayor Stettler wished all members of the Jewish Community in Cathedral City a happy new year next week on September 15<sup>th</sup>. He also stated that he had made several trips to the Panorama and Century Park and he wanted to congratulate Dale Bolls and his crew for a job well done in those areas. Mayor Stettler made an announcement regarding the groundbreaking of the Tierra Del Sol Senior apartments and the new senior center will take place on Tuesday, September 14<sup>th</sup> at 1:30 p.m., and everyone is welcome to attend.

Mayor Pro Tem Pettis spoke of the last concert in the square, which drew a crowd of over one thousand and invited everyone in the audience to attend the concerts in the square.

Council Member DeRosa- Ms. DeRosa congratulated Chuck O'Brien on his new appointment in Desert Hot Springs and mentioned that Gilda's Club has found a home in Cathedral City and they are in the process of renovating their new facility on Palm Canyon Drive, and that they are having a fund-raiser at the Cheese Cake Factory on October 9<sup>th</sup> and that Gilda's Club as we know is one of those club house type situations where women can go and families who are looking for support for cancer patients and survivors and while on the subject of cancer, there is also going to be a charity golf tournament on September 18<sup>th</sup>, which is also the beneficiary and it will be the American Cancer Society and that the golf tournament is being hosted by the employees of Southern California Edison with 100% of the proceeds going to the American Cancer Society, it is the 18<sup>th</sup> of September at Desert Falls Country Club, the cost is \$90.00 per player and there is still room and they hope that there would be those who would like to come out and play. Further, Ms. DeRosa commented that we have here in Cathedral City an incredible dance program put on by Ms. Kim Lewis and that they had their recital this summer the children also attended camp this year at a very nominal fee with the kids doing a fabulous job and Kim Lewis has been one of those teachers that has not only taught the children how to dance but has given them a sense of self-confidence, a sense of purpose and a sense of identity and she asked that the community continues to support Ms. Lewis and her program as she helps these children. Ms. DeRosa stated that we may have also seen in "snapshots" pictures of the students, which were taken from summer camp where the children went and spent two weeks and that professionals were brought in to teach them not just basic skills but a little more of the professional kind of spirit of dance and that one last thing is not to forget the Red Cross and that the incidents in Florida remind us that the Red Cross is not

federally funded and is depended upon contributions that come from the community and as a Board Member of the American Red Cross the Riverside County Division she asked to give serious consideration to sending some money to the American Red Cross so that they can continue their efforts in taking care of those in need in times of disasters.

### **MINUTES**

Mayor Stettler called for approval of the minutes for the regularly scheduled City Council/Redevelopment Agency meeting held on Wednesday, August 11<sup>th</sup>, 2004. Motion made by Council Member/RDA Board Member Marchand seconded by Council Member DeRosa, **motion carried 5-0.**

### **PRESENTATIONS AND PROCLAMATIONS**

- Council Member England presented proclamation for Constitution Week, which is September 17<sup>th</sup> through the 23<sup>rd</sup> and read the proclamation for the record.
- Council Member Marchand presented proclamation to Mr. Rudy Morales representing the Coachella Valley Mexican-American Chamber of Commerce and read the proclamation for the record.
- Chief Henry presented Certificate of Appreciation to Police Officer Gabriella Mendoza for her of dedication and service to the City of Cathedral City and the Palm Springs Unified School District as the Cathedral City Police Department's DARE Representative.
- Mayor Pro Tem Pettis presented proclamation congratulating Chuck O'Brien for his new appointment in Desert Hot Springs.
- Council Member DeRosa made a special presentation to Bill and Pam Cohen for their continued support of the City of Cathedral City.

### **CONSENT AGENDA**

Council Member/RDA Board Member Marchand moved approval of the Consent Agenda, motion seconded by Council Member/RDA Board Member England, **motion carried 5-0.**

1. Received and filed demands in the aggregate amount of \$10,663,177 for the month of July, 2004, **by Minute Order #3756 and Minute Order # R- 1002.**
2. Adopted resolution of the City Council for the City of Cathedral City opposing proposition 68 also known as "Gaming Revenue Act of 2004", **by Resolution No. 2004-86.**
3. Approved adoption of proposed League of California Cities request for support of proposition 1A also known as proposition **65 by Minute Order # 3757.**

4. Granted authorization to purchase mobile incident command post with Homeland Security grant funds, in an amount not to exceed \$86,659.27 by **Minute Order # 3758**.
5. Approved final tract map No. 29742-1 located on the west side of PUD 01-09 Cimarron Cove Partners, LLC Subdivider **by Minute Order # 3759**.
6. Approved final tract map No. 31675 and other related actions, located south of Rosemont Avenue, between Date Palm Drive and San Eljay; Millwood Construction Company, subdivider **by Resolution Nos. 2004-87 and 2004-88**.
7. Adopted Ordinance of the City Council for the City of Cathedral City, amending the Cathedral City Municipal Code to repeal Chapter 8.36 "Swimming Pools" **by Ordinance No. 597**.
8. Approved service provider agreement with MuniFinancial to assist in the formation of the proposed Landau Homes (Phases 2 through 4) Landscape and Lighting District No. 18. (LLD No. 18) **by Minute Order No. 3760**.

## **PUBLIC HEARING**

9. Proposed resolution of the City Council for the City of Cathedral City, approving the re-issuance of multi-family housing revenue bonds by the California Statewide Communities Development Authority.

Warren Bradshaw- Mr. Bradshaw provided a recap of the funding and financing mechanism for the re-issuance of the bonds stating that Council had approved through a TEFTRA hearing like this one in 1998, bonds to be issued for the construction of the Park David apartments consisting of 240 affordable senior housing units. Now they are requesting to reissue or refinance those bonds. Mr. Bradshaw further stated that they had asked the developer to do one thing that is required and they were required to extend the affordability control point of the project to the year 2059, which is an additional three years from the original affordability covenants and because the City wanted to make sure that it gets credited with those units as part of the City's inclusionary housing requirement, which the City always counted them but the City's name was not listed on any of the affordability covenants and now we are requiring them to list the City and the Redevelopment Agency on all the affordability covenants. Mr. Bradshaw also stated that there is no fiscal or financial impact to the City with the re-issuance of these bonds, there is no fiscal obligation on part of the City is just a reissue of existing bonds to refinance the project.

Ms. DeRosa questioned as to whether or not there will be any other money outlays or costs and if they could get a lower interest rate. Mr. Bradshaw responded that



with any bond issue there are certain minimum costs involved, which will be paid for with the monies obtained from the new bond and that the intent is to get a better deal on the return in terms of interest rate and a better payment schedule.

Mayor Stettler opened the public hearing for public comments. Seeing no one wished to speak, Mayor Stettler closed public comment. Council member Marchand moved to approve and Council member England seconded motion, which carried 5-0 **by Resolution No. 2004-89.**

10. Appointment of a member to fill remainder of term expiring June 30, 2005 on the Public Arts Commission. Mayor Stettler opened the floor for public comments. Seeing no one wished to speak, Mayor Stettler closed public comments. Council member DeRosa moved to approve, motion seconded by Council member Marchand. **Motion carried 5-0 to appoint:**

Richard Martinez to the Public Arts Commission - Term expiring June 30, 2005

**by Minute Order # 3761.**

11. Receive report and recommendations regarding Honeywell International Downtown Energy Savings Proposal.

Mayor Stettler asked City Manager Don Bradley to provide a report about this proposal. Mr. Bradley provided a specific and detailed report regarding the proposal and explained energy usage savings, and system efficiency. Further, he went on to state that the residual benefits will be there for this program. The estimated energy savings is about 40%. The investment that is required is a little over 2.7 million dollars; however, with the help of Honeywell, they were able to secure a 1million dollar grant that offsets that cost. The City in fact will not have an out of pocket expense for this program and \$180,000 will be the savings on an annual basis and \$120,00 of this amount of savings is guaranteed by Honeywell over a seven year period. A lengthy discussion ensued with regards to the terms of the agreement and more specific information about ways to tighten up the agreement to the satisfaction of both parties. Several questions were raised by several Council members regarding the financing package presented. Honeywell's Representative Mr. Douglas Poffinbarger explained the financing mechanism and assured Council that they are willing to work with the City to address some of the issues raised by Council member England, Marchand and Mayor Pro Tem Pettis.

Mayor Stettler then opened the floor for public comments.

Mr. Victor Moore and Mrs. Roberta Moore- Cathedral City. Ms. Moore spoke in support of this project and in the importance of protecting the environment through other alternative means of energy. Ms. Moore stated that she recently had a solar

system installed and it was very affordable because of the tax breaks and rebates. Ms. Moore pleaded to the City Council that it is extremely important that the City be looking and implementing sound energy savings and clean power generation.

Sonja Marchand- Cathedral City- Mrs. Marchand spoke in support of the project stating that the project is phenomenal and that each of us is called to stewardship of this planet, which is our home, the only place we will ever be able to live and that if we do not address our environmental concerns and if we do not move quickly to find other sources of energy based upon renewable resources, she is sad to think what kind of place future generations will encounter. She congratulated staff, the people at Honeywell and the Council for working on a dream that may soon become a reality.

Walt McLaughlin- Cathedral City. Being a CPA it appears to me that the numbers do not add up. Mr. McLaughlin presented several questions about the financial arrangements of the proposal regarding the potential savings and asked that he would like to hear more specific information about this.

Bill Proctor- Cathedral City. Mr. Proctor also presented some questions regarding the timing of seven years, the length of the payoff and the savings being realized in addition to the maintenance part of the proposal. Mr. Proctor also stated that the numbers do not add up and he too would like to get more information regarding the financial deal points.

Chuck Vasquez- Cathedral City. Mr. Vasquez stated that he had several concerns regarding the 20% down payment and posed several questions as to the source of where the money is going to come from, particularly the \$340,000 dollars, which is not in the budget. He further stated that if we are forced to take these monies out of reserves then that he has a real problem with that issue because we have told the residents that we can't do that for parks, we can't do it for street sweeping, we can't do that for police and we can't do that for Fire and while he is supportive of alternative energy sources, if we don't have the money to do it then we don't have the money to do it. Mr. Vasquez also commented that he has a problem with a letter he received on June 1, from Council Member Marchand and that while everyone on the Council has a right to their opinion, which is something he applauds since is part of the democratic process, he does not like receiving pieces from members of our Council stating that "If I oppose, I may fear change while others still simply are dime wise and dollar foolish." He went on to state that this is not a supportive attitude to take to get people involved in the issues and while sitting on Council one is entitled to his opinion, Council Members should come each of these meetings with an open mind and that the above referenced comments were offensive.

Janet Malachowsky- Cathedral City. Stated that she was certain that City Staff and City Council had spent numerous hours and weeks of work prior to coming to this point and present the numbers which according to some do not make sense and that the points presented here may be erroneous since people are only getting a

portion of many volumes of information that is related to this proposal. She stated that if folks would have taken the time to review the information, it would be evident that this proposal would be a good one. She stated that she was supportive of this agreement and since Mr. Bradley had in the past not recommended acceptance of this proposal and now having reviewed and worked out another agreement, he is in favor of it, then the proposal must be accepted and that this is the 21 century and it is time to move forward with this.

Seeing no one else wished to speak, Mayor Stettler closed Public Comments.

Mayor Stettler stated that the Council had spent an hour during the study session discussing this proposal and that the Council had been studying this issue for many months and that from day one he thought that his proposal does not pay for itself.

Mayor Stettler asked City Manager Don Bradley to explain several questions for the Council. Finance Director, Tami Scott interjected and clarified for Mayor Stettler's benefit the financial arrangement of the proposal in terms of payoff and the loan payment while discussing the benefits in terms of savings and the cost of the debt service.

Council Member Marchand moved for approval of contract as it is presented subject to the following conditions 1) to include the City's standard non-discrimination language; 2) to the condition of the financing package that is under negotiation is acceptable and 3) subject to appropriate revisions by the City Attorney taken into account the discussions that were had during the study session this afternoon.

Mayor Stettler stated that now we have a motion and a second.

Council Member Marchand: "Now I do have one other comment. I listened to Mr. Proctor and Mr. Vasquez. I can understand the concerns they have because this is a process that has taken a very, very long time. Like my colleague Mr. England, I note that sometimes people come in at the end of the discussion and have some concerns that might not have been there had they been attentive to the discussion over a longer period of time. I would have been a little more impressed with Mr. Vasquez's personal comments about me were Mr. Vasquez not a declared candidate for City Council. It is a little unfortunate that Mr. Vasquez chooses to campaign against someone who still has two years left in his term, rather than get out there and campaign on the issues."

Mayor Stettler reminded Council Member Marchand to stay to the issues with Council Member Marchand stating that he will and that is unfortunate but that there is the motion and a second. Hearing no further comment, Mayor Stettler called for the vote. Motion made by Council Member Marchand, seconded by Mayor Pro Tem Pettis, **motion carried 4-0-1 with Ms. DeRosa abstaining due to perceived conflict of interest.**

12. Authorization to purchase the asphalt zipper model AZ300 utilizing AB939 funds in an amount not to exceed \$61,000.

Mayor Stettler called upon Mr. Jack to present his report with Mr. Jack stating that they needed a tool and that they would like to buy this tool and that it qualifies as a recycling implement and therefore qualifies for recycling money. We had a demonstration of the equipment and it worked very well and what it would normally take a crew a whole day, it would take three hours now to do the same thing.

Ms. DeRosa asked Mr. Jack for clarification as to what this piece of equipment is supposed to do with Mr. Jack explaining that the equipment replaces manual jack hammers to brake down the concrete and that it can penetrate a hard surface for about 8 inches. Mr. Jack also entertained question posed by Mr. England regarding whether or not this tool would be loaded to the front of a front loader, Mr. England asked whether or not this was self-propelled with the front loader providing the power.

Mayor Stettler then opened the floor up for public comment.

Janet Malachowsky- Cathedral City. Ms. Malachowsky whether or not the intent with this piece of equipment is designed to improve efficiency or reduce labor and get more road work done. Mr. Jack interjected that is for efficiency; reduce labor, recycling of materials to meet recycling goals to get work done cheaper and other benefits.

Bill Cohen- Cathedral City. Wanted to request that when we do get this thing to please redo Terrace because it is in pretty bad shape.

Seeing no one else wished to speak, Mayor Stettler closed public comment.

Council Member Marchand moved approval, motion seconded by Mayor Pro Tem Pettis, motion carried 5-0 **by Minute Order # 3763.**

13. Approval of resolution of the City Council for the City of Cathedral City, authorizing the submittal of an application to the California State Department of Housing and Community Development for rehabilitation loans for owner-occupants within the Dream Homes neighborhood and the outpost area streets who meet requirements under the CalHome program; the execution of a standard agreement if selected for such funding and any amendments thereto; and any related documents necessary to participate in the CalHome program.

Mayor Stettler called upon Mr. Warren Bradshaw Housing Manager to present his report. Mr. Bradshaw stated that this is not a program to give more help right now to

the residents in Dream Homes but rather to expand the program that we already spent nine months setting up for the Dream Homes Revitalization program to include two more streets that are across the wash and those are La Paloma and La

Gaviota, which contain about 160 homes that were built in the 1940's and 1950's and that are in much worse condition than the homes in the Dream Homes. We did not start out with this neighborhood because these had no separate identity to any one neighborhood unlike the Dream Homes that was represented by the ICUC.

When the notice of funding availability came in from ACD at the end of July we started casting for ways that we could leverage our RDA Housing money, the idea came forth that this neighborhood being adjacent to the Dream Homes would be a good candidate. We spoke to Martha VanRoy who has helped in writing the grant application request with the application being due on the 15<sup>th</sup> of September. According to Martha our request is \$300,000 and we only stand a 50/50 chance to get it but that we had a good track record for getting funding. This is not an expansion or additional funding for the dream homes.

Mayor Stettler then opened the floor for public comment. Seeing no one wished to speak, Mayor Stettler closed public comment.

Council Member Marchand moved approval, motion seconded by Council Member England, motion carried 5-0 **by Resolution No. 2004-90.**

14. Authorization to purchase ten vehicles for the Police Department with budgeted funds from Palm Springs Ford.

Mayor Stettler called upon Police Chief Henry to provide a report.

Chief Henry stated that the life expectancy of these vehicles was already extended and it is now time to replace them. Chief went on to explain the process of replacing vehicles and acquisition of vehicles with the cost of maintenance and repairs beginning to exceed the actual value of the vehicles. He also stated that there are only few vendors who provide this type of specialized vehicles with Palm Springs Ford being able to meet the bid price that the other dealers have. The problem that occurred after the agenda was published and in talking with Mr. Thiel with Palm Springs Ford is the availability of them being able to get the vehicles where we are

running into some problems as far as the production of these specialty vehicles where they run a batch of vehicles and they stop production and they only do this during certain times of the year. Palm Springs Ford because they do not stock police vehicles since that is something that they do not normally carry, they do not have these vehicles for us today and we are looking at a delivery time of 90 days or longer and that is something that just came up.

Council Member England asked whether or not the vehicle replacement fund that is budgeted year by your department, does that fund include the replacement of the motorcycles.

Chief Henry stated that yes, that the fund is actually set up by the Finance Department and that they have also allocated funds for motorcycle replacement.

Mr. Pettis stated that this time he will support the purchase of the vehicles because it is a purchase not a lease and also because they are being purchased from a local dealer which in turn will provide some sales tax and more importantly Mr. Pettis stated that the police have done a good job with the vehicle replacement program in terms of extending the useful life of the vehicles and that is good to see the patrol cars driving around the neighborhoods.

Mr. Marchand asked a question regarding the surplus vehicles with Chief Henry stating that they salvage what they can from some of the vehicles and that the rest go to auction and the money gets put back into the vehicle replacement program as revenue.

Mayor Stettler then opened the floor for public comment.

Bill Cohen- Cathedral City. Mr. Cohen asked whether or not these cars were natural gas vehicles with the Chief stating that they are not.

Janet Malachowsky- Cathedral City. Ms. Malachowsky stated that she would like to see the purchase being made from a local vendor like Palm Springs Motors so that the local sales tax stays here in Cathedral City and that she would like to see a better timing of vehicle acquisitions and replacement in the future because some vehicles are already out of order and that it is being difficult trying to find these vehicles since production is not there as Chief Henry stated earlier.

Seeing no one else wish to speak, Mayor Stettler closed public comment.

Mr. Marchand offered motion to authorize the purchase of the vehicles with council's direction being that to the greatest extent possible to purchase from Palm Springs Motors given the timing constraints. Motion seconded by Mr. England. Motion carried 4-0-1 **by Minute Order # 3764** with Council Member DeRosa abstaining due to possible conflict of interest.

15. Approve use of Police/Fire facility funds to allow repairs to fire station 411, located at 36913 Date Palm Drive.

Chief Sowles stated that this issue was discussed earlier during study session and that a letter had been received from the BIA regarding the use of this funds and that he deferred those questions to the Finance Director and the City Attorney to address. Chief Sowles briefly advised Council that station 411 is in bad shape and in need of repairs such as roof, dry walls, repainting etc. The total cost for this was about \$25,000 dollars and that the apparatus doors are also in need of replacement where they can't even get parts since the door is old and at this time he is not recommending replacement of the doors since the vision is to replace the entire facility and turn it into a revenue generating facility.

Mayor Stettler then open the floor for public comment. Seeing no one wish to speak, Mayor Stettler closed public comment with Council member Marchand moving to

approve from whatever lawful source. Motion seconded by Council Member DeRosa. Motion carried 5-0 **by Minute Order # 3765.**

### **COUNCIL REPORTS ON CITIZEN INQUIRIES AND CONCERNS.**

Mayor Stettler- Stated that during the recent voting on the parks issue some folks in Panorama Park especially brought up a question as to whether or not we could contract with the Coachella Valley Parks and Recreation District to work with our local parks to see if we could figure their program to work with our program and that he and Mr. Bradley had met with folks at the Parks District and one of the things they are doing now is a system wide park study which would encompass the entire Valley and that now there is a copy of the system wide park plan that is going to be available to our Parks and Recreation Department so that they can take a look at that and see if there is some way or some fashion or means of utilizing the Parks District to help us with our parks.

Council Member DeRosa- Ms. DeRosa stated that the residents of Century Park are not as happy as those in Panorama Park with the work that is being done they have ridden the streets with Mr. Bolls and pointed out what they are unhappy with and we are all working together to remedy that. Ms. DeRosa commented that she had an opportunity to be riding around Maravilla, the street sweeping is unacceptable and Mr. Bolls has been notified so that the street sweepers can come back and take care of that street.

Council Member Marchand- Commented that is coming to that time of the year when all the snow birds are coming back and one of the issues that has been brought to his attention by a number of constituents living in mobile home and gated communities is the importance of pedestrian safety and it may be something that the Chief and Deanna may look into using AB939 funds to prevent injuries to people who may be walking opposite to traffic.

### **ADJOURNMENT**

It was moved by Council member DeRosa to adjourn the meeting to closed session. Motion seconded by Council member Marchand. **Motion carried 5-0.**

The City Council adjourned to closed session at 9:15 p.m. and reconvened at 9:50 p.m.

### **CLOSED SESSION ANNOUNCEMENTS**

The City Council reconvened at 9:50 p.m., with Deputy City Attorney Charles Green announcing one reportable action that the City Council voted to revise the previously authorized agency Redevelopment Agency bond refinancing to provide for 5 million dollars in new money without increasing debt service and authorized the issuance of a 6 million dollar taxable agency bond to be used as the City Council may later direct.

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Motion was made by Mayor Pro Tem Pettis, seconded by Mayor Stettler. **Vote was 3-1-1** to approve with Council member DeRosa against and Council member Marchand abstaining. The City Council immediately adjourned the meeting.

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Daryl Betancur  
Deputy City Clerk